

The public lands can only be sold for a valuable consideration, or disposed of with a view to some public benefit.

No appeal from a decision of the Chancellor as Judge of the land office.

The extent of the authority to acquire a right to land covered by the tide of the basin of Baltimore, by making improvements thereon. (b)

A patent may be granted for land covered by navigable water subject to the right of navigation.

No title can be obtained from the land office for any thing but land.

All improvements made upon land, by any one without right, belong to the owner of such land.

THIS case was brought before the Chancellor in the land office on caveats by the Mayor and City Council of Baltimore against the issuing of patents on several certificates returned by Isaac McKim, Jannet Hollins, Joseph King, Junior, Robert Howard, John White, Thomas Wilson, John Spear Nicholas, Dabney S. Carr, John S. Smith, Robert Smith and James Howard, for separate parcels of the ground called Smith's Wharf. These certificates and caveats were entirely distinct. An order was passed on each appointing a day for hearing, directing the surveyor of the county to lay down the lands, and authorizing the parties to take testimony before any justice of the peace, on giving two days notice as usual; but as they depended upon the same principles of law, in all respects, the parties by consent, conducted them as one case; depositions and proofs were taken, which with a plot of the whole ground, made by the surveyor, were returned; after which the solicitors of the parties were fully heard.

BLAND, C., 29th November, 1831.—To have a correct conception of the matter in controversy, it will be proper to recollect, that the City of Baltimore was laid out, and has grown up round the margin of a cove of the Patapsco River, near the mouth, and to the westward of the stream called Jones Falls, which passes through the city; that much of the margin of this cove was originally a marsh inundated at every reflux of the tide; that as the
454 * only navigable entrance to this cove, is by a narrow channel from the east, every encroachment upon it, by wharfing or making fast land, following the directions of the streets of the city, must be from the north, from the west, or from the south, and that Gay street approaches this cove, now called the basin, in a direct line from the north, and terminates at its intersection, at right angles with Pratt street, a part of the south side of which passes a few feet above the head of what is now called Smith's dock.

The land now claimed is a strip about twenty-nine feet wide, lying between the east side of Smith's dock, and an elongation of

(b) See *Dugan v. Baltimore*, 5 G. & J. 357, note.